

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RECEIVED

DEC 24 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re

Amendment of Section 73.202(b)
Table of Assignments
FM Broadcast Stations
(Genoa, Mt. Morris,
and Oregon, Illinois)

RM - _____

DOCKET FILE COPY ORIGINAL

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Farm Belt Radio, Inc., ("Farm Belt") by its attorney, hereby petitions for rule making to amend Section 73.202(b) of the Commission's rules.

Farm Belt is the permittee of unbuilt FM stations WOXM on Channel 291A at Oregon, Illinois (File No. BPH-930604MD) ("WOXM") and WSEY on Channel 239A at Mt. Morris, Illinois (File No. BPH-960830JD) ("WSEY"). Herein, Farm Belt requests the Commission to

- (1) substitute Channel 292A at Genoa, Illinois, in place of Channel 239A at Mt. Morris;
- (2) modify the WSEY construction permit to specify operation on Channel 292A at Genoa;
- (3) substitute Channel 239A in place of Channel 291A at Oregon to accommodate Channel 292A at Genoa; and
- (4) modify the WOXM construction permit to specify operation on Channel 239A at Oregon.

In support thereof, the following is shown:

This proposal requests modification of WSEY to a nonadjacent channel, a process which would normally allow for competing expressions of interest. However, in situations similar to the one presented herein, the Commission has acknowledged that, while not strictly adjacent channel relationships, the mutual exclusiv-

No. of Copies rec'd 244
List ABCDE

WMC Policy & Rules

ity of the channels involved is similar to the scenario provided for in Section 1.420(g) of the rules which protects a station from competing applications for upgrades to non-mutually exclusive channels. The Commission has stated that it will look at each such request on a case-by-case basis. Modification of FM Broadcast Licenses to Higher Class Co-channels of Adjacent Channels, 60 RR2d 114, ¶24 (1986). And see, Notice of Proposed Rule Making (Parris Island and Hampton, South Carolina), DA 96-2044, ¶2, released December 13, 1996. The instant proposal is squarely analogous with this latter case.

Adopting this rule making will serve the interests of Section 307(b) of the Communications Act of 1934, as amended. An allotment will be moved from the smaller community of Mt. Morris (2,919 people) to the larger community of Genoa (3,038)¹. Moreover, WSEY's authorized 1 mV/m contour at Mt. Morris includes 55,457 people within a 1,830 km² area. As a maximum Class A station at Genoa operating from the reference point of 42° 01' 00" and 88° 49' 00", WSEY's 1 mV/m contour would serve 128,674 people and 2,511.7 km² in area. Neither Mt. Morris nor Genoa are within any urbanized area.

Genoa is an incorporated community with its own local government consisting of a full time city manager, its own police department, fire department and water/sewer department. It is located at the intersection of State Routes 23 and 72 in DeKalb County. The county population is 77,932.

¹ All population figures are taken from the 1990 U.S. Census.

Genoa has its own post office and zip code: 60135. It is home to its own public schools serving over 1,200 students in grades K-12, six churches, scouting programs, a Lion's Club, Masonic Lodge, Rotary Club and over 20 other clubs and civic organizations, recreational facilities, a Chamber of Commerce, the Kishwaukee Valley Heritage Museum, the Falls Motors Museum, and a full complement of businesses and other services consistent with a community of its size.

Reallotting WSEY to Genoa will not deprive Mt. Morris of an "existing service." The Commission recognized at paragraph 19 and footnote 16 of its Modification of FM and TV Authorizations to Specify New Community of License, 4 FCC Rcd 4870, (1989) recon. granted in part, 5 FCC Rcd 7094 (1990) that for purposes of changing a community license, the phrase "existing service," excludes bare construction permits. Midway, Panacea and Quincy, Florida, 10 FCC Rcd 6112, ¶6 (Mass Media Bur. 1995). WSEY is an unbuilt station.

As shown by the attached engineering exhibit, Channel 292A will provide Genoa with a 3.16 mV/m signal, and comply with the Commission's minimum distance separation requirements from the proposed reference coordinates.²

² The attached engineering exhibit was prepared for, and submitted with the recently-dismissed petition to substitute Channel 292A at Genoa for Channel 291A at Oregon. Its import, that Channel 292A at Genoa fully comports with all Commission spacing and coverage rules, is fully applicable here. In addition, WOXM's and WSEY's presently authorized transmitter sites are co-located. Therefore, the population and area losses which would occur to move WOXM to Channel 292A at Genoa are the same as will occur to move WSEY.

As WSEY is unbuilt and Farm Belt seeks to relocate the station's transmitter site, there will be theoretical areas and populations which will lose reception service, as well as areas and populations which will receive new service. As shown by the attached engineering exhibit, no white or gray area will be created by the proposed modification of WSEY's facilities authorized in its construction permit and Mt. Morris, Illinois, will continue to receive service from stations WZOK(FM), WXXQ(FM), WIXN(FM) and WNIJ(FM), among others. All areas within WSEY's present 1 mV/m contour will continue to receive service (1 mV/m for FM and 2 mV/m for AM) from at least three AM and two FM stations. The population of the loss area is roughly 41,000.

The population in the proposed 1 mV/m gain area at Genoa is roughly 128,400 people. This is more than twice the population which would be served by WSEY at Mt. Morris. As shown by the engineering exhibit, the proposed gain area also receives service from a number of stations.

WOXM will be required to change to Channel 239A at Oregon, Illinois, in order to accommodate WSEY's move to Channel 292A at Genoa. The proposed reference coordinates for Channel 239A are 41° 59' 04" Latitude and 89° 29' 52" Longitude. The modified allotment will cover Oregon with a city-grade signal in full compliance with the Commission's spacing rules. Farm Belt, as

the WOXM permittee, consents to the modification of its own WOXM construction permit.³

WOXM is a grandfathered 3 kW Class A station, limited in its power and coverage area. It is prohibited from increasing facilities on its own or an adjacent channel due to interstation spacing restrictions. There is no tower site available from which WOXM may increase power as presently allotted. Adopting the proposed changes will allow WOXM to become a full Class A facility at Oregon, serving a wider area and 80,126 people in its 1 mV/m service area from the proposed reference coordinates.

Farm Belt will promptly apply to modify the WSEY and WOXM construction permits upon favorable Commission action on this petition, and will promptly construct the authorized facilities upon grant of the respective applications.

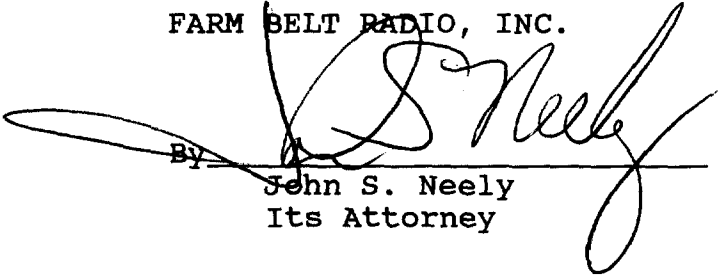
In view of the above, the Commission should amend Section 73.202(b) as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Genoa, Illinois	----	292A
Mt. Morris, Illinois	239A	----
Oregon, Illinois	291A	239A

³ While Circleville, Ohio, 8 FCC 2d 159 (1967) requires the petitioner to reimburse the reasonable prudent expenses incurred by WOXM to accommodate WSEY's proposal, there is little point in requiring Farm Belt, permittee of both stations, to reimburse itself. Farm Belt pledges to apply for the modified facilities and promptly construct them after they are authorized.

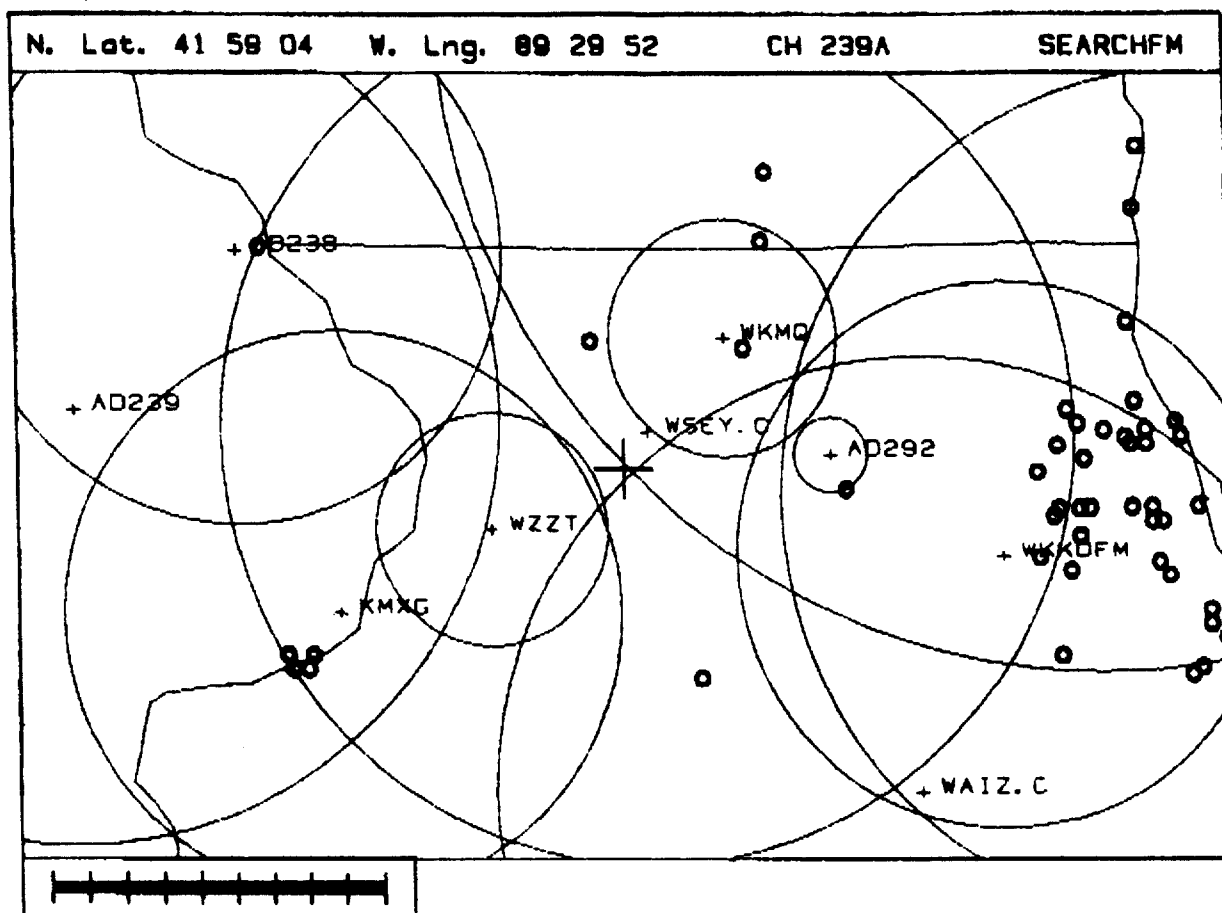
Respectfully Submitted,

FARM BELT RADIO, INC.


By _____
John S. Neely
Its Attorney

December 23, 1996

Miller & Miller, P.C.
P.O. Box 33003
Washington, DC 20033



WOXM(FM)Oregon IL. as 239A 6kw

Call	CH#	Location		D-KM	Azi	FCC	Margin
WSEY.C	239A	Mount Morris	IL	11.70	33.8	115.0	-103.30
WZTR	239B	Milwaukee	WI	178.88	48.0	178.0	0.86
WAIZ.C	239A	Seneca	IL	117.37	136.9	115.0	2.37
WZTT	238A	Morrison	IL	39.00	245.3	31.0	8.00
KMXG	241C1	Clinton	IA	85.33	243.0	75.0	10.33
WKMD	237A	Winnebago	IL	43.77	38.8	31.0	12.77
WKKDFM	240A	Aurora	IL	104.87	102.8	72.0	32.87
AD239	239A	Anamosa	IA	148.81	275.9	115.0	33.81
WNUA	238B	Chicago	IL	155.75	92.8	113.0	42.75
AD238	238A	Asbury	IA	118.40	298.9	72.0	48.40
AD292	292A	Genoa	IL	56.54	86.1	10.0	46.54

ENGINEERING REPORT

IN SUPPORT OF

CHANNEL 292A - 6 KW

GENOA, ILLINOIS

This engineering report is in support of Farm Belt Radio, Inc. (FBR) Proposed Rulemaking to amend Section 73.202(b) Table of Assignments, FM Broadcast Stations at Oregon and Genoa, Illinois.

Oregon, Illinois currently is allocated FM Channel 291A. This channel is short spaced under current spacing rules to both 291B Waukesha and 291A Streator and is restricted to 3kw, 100M HAAT. Exhibit A demonstrates the short spacing and the fact that there is no site for Channel 291A which meets current spacing rules for a Class A FM station.

The City of Oregon, Illinois currently receives service (1mV/m) from at least 4 FM stations:

WZOK	Rockford	50kw 131m HAAT
WXXQ	Freeport	50kw 122 m HAAT
WIXN	Dixon	6kw 100 m HAAT
WNIJ	Rockford	50kw 112m HAAT

Oregon currently receives service from more than 4 AM stations:

WMAQ	Chicago	670khz, 50 kw	7mV/m +
WGN	Chicago	720khz, 50 kw	5mV/m +
WBBM	Chicago	780khz, 50 kw	3mV/m +
WHRL	Rochelle	1060khz, 25kw	4mV/m +

All areas within the entire 1mV/m service contour of FBR's current CP at Oregon is serviced by at least two existing FM stations 1mV/m contour and at least three existing AM radio stations 2mV/m contour or better. (See Exhibit D)

Reallotting Channel 291A (3kw 100m HAAT) from Oregon to 292A (6kw 100M HAAT) at Genoa can be accomplished with the elimination of the mutually exclusive Channel 291A at Oregon as demonstrated in Exhibit B.

Exhibit C depicts the allocation window for Channel 292A, the location of the City of Genoa, and City Grade Contour.

A Population count (1990 census) and an area study was done using the 1 mV/m contour maximum facility at Oregon, IL 42-03-53, 89-26-00 - 3kw, 100M HAAT and at Genoa, IL 42-01-00, 88-49-00 - 6kw, 100M HAAT.

	<u>GENOA</u>	<u>OREGON</u>
Population	128,674	41,213
Area (Sq Km)	2,511.7	1,830

(Exhibit C shows the 1mV/m contour overlap from the two facilities with less than 250 persons; the City of Genoa (1990 Census) was 3,083.)

As demonstrated above, the reallocation of Channel 291a Oregon to Channel 292A Genoa will be beneficial in furthering FCC allocation standards, and better utilization of the spectrum serving an additional 84,461 persons in the 1mV/m at Genoa, Illinois.

I, Larry Nelson, do attest that the above Engineering Statement was prepared by myself or under my direction and is true and correct to the best of my knowledge and belief.



LARRY NELSON

Larry Nelson 880-882-1000 X180 1 Broadcast Center Plans 11 80848

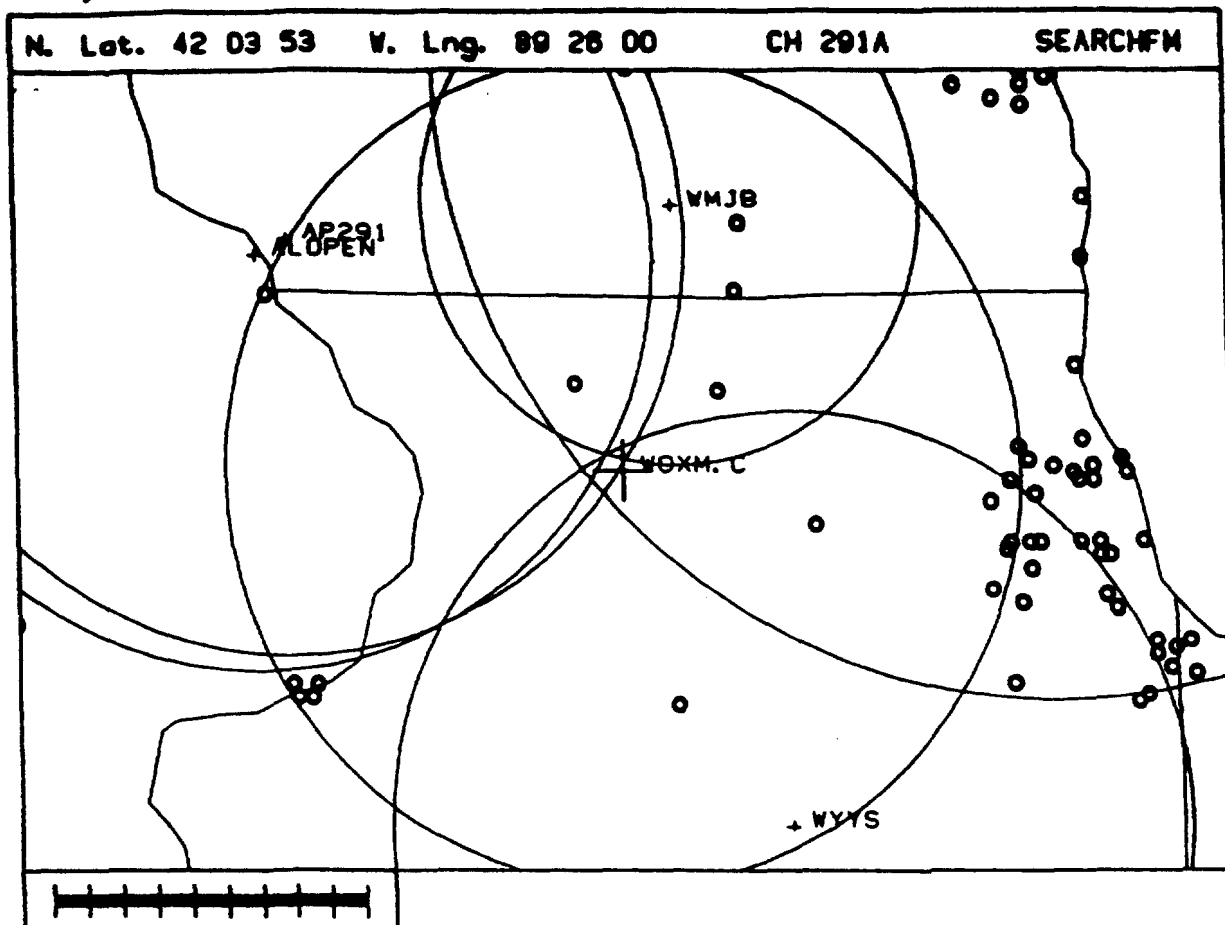
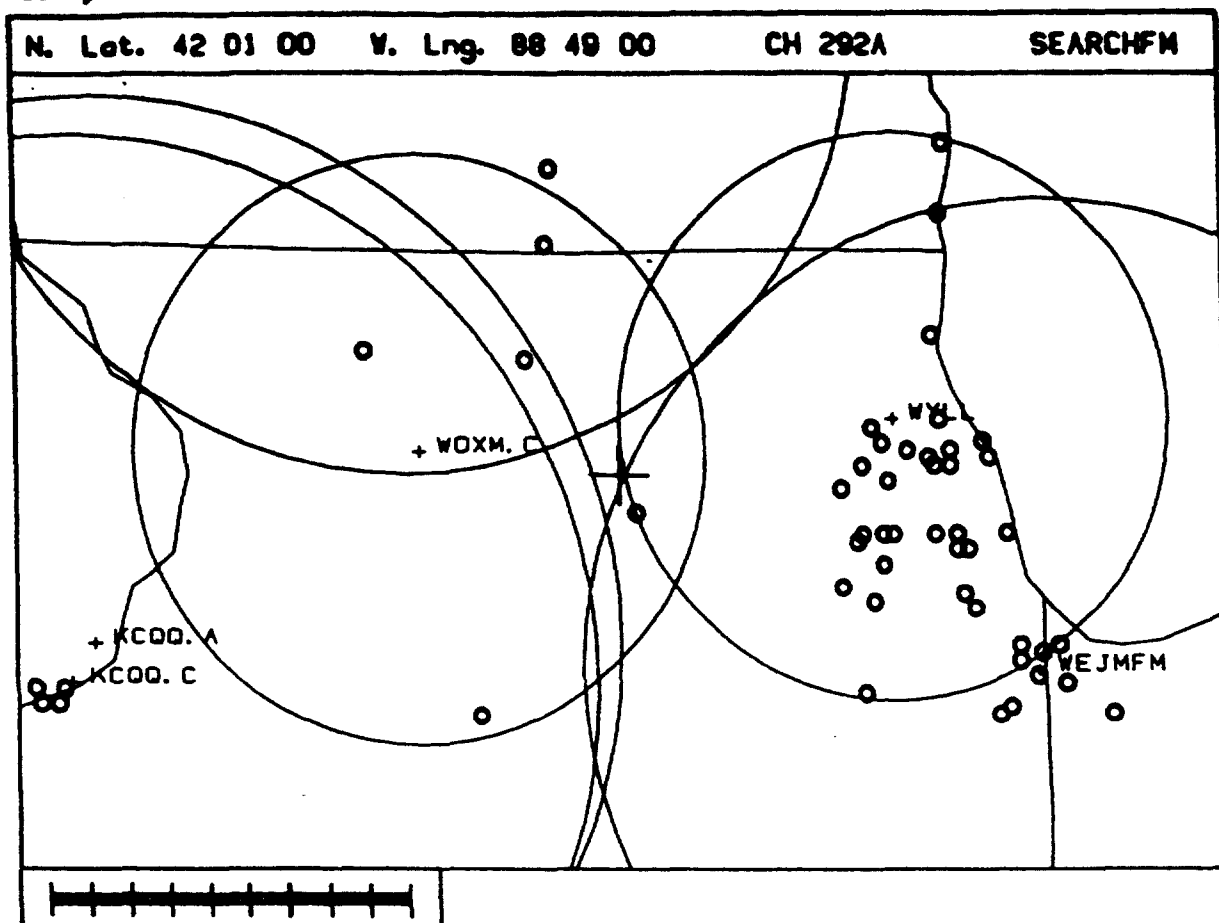
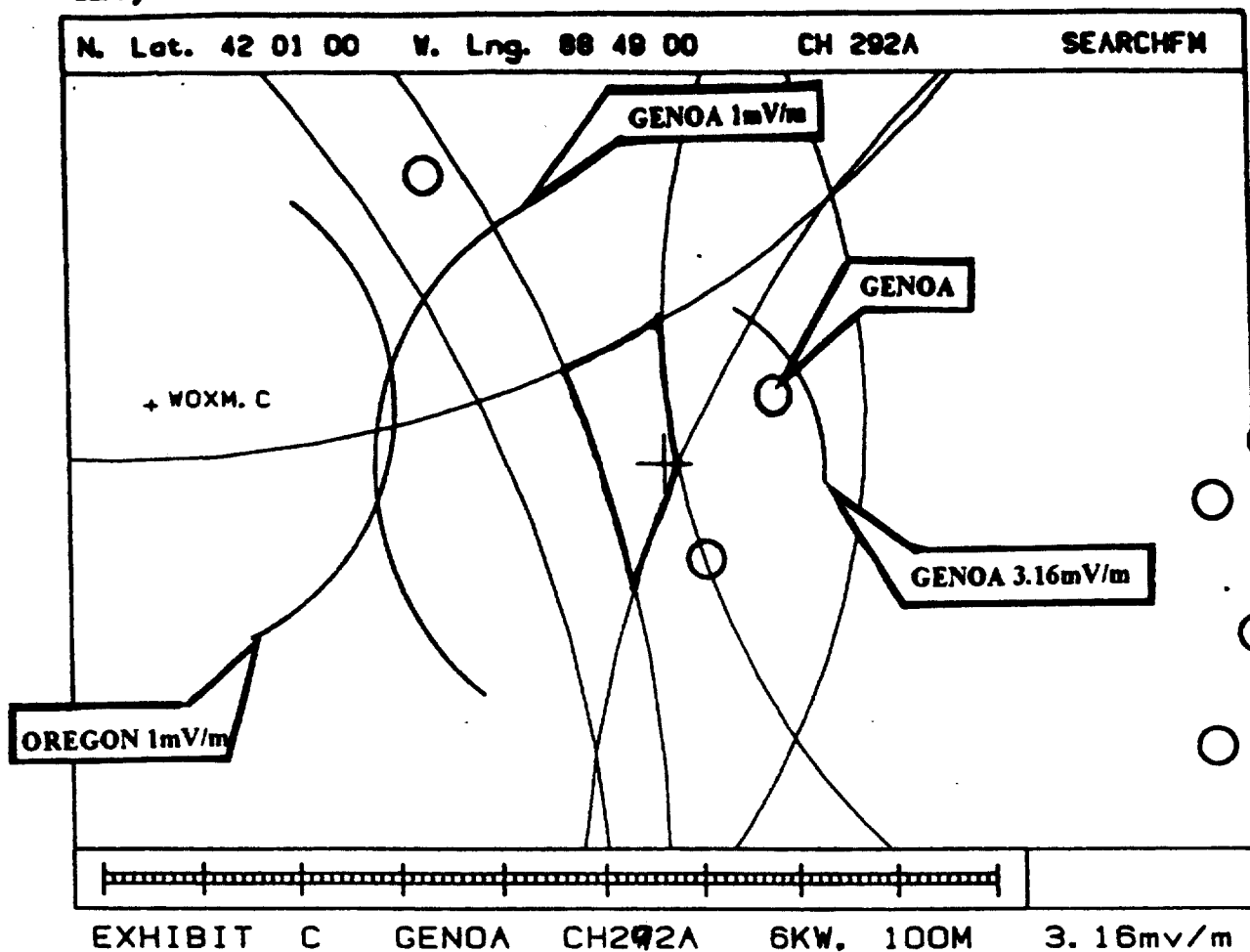


EXHIBIT A OREGON, IL. CH 291a 6.000W SPACING

Call	CH#	Location		D-KM	Azi	FCC	Margin
WOXM.C	291A	Oregon	IL	0.00	0.0	115.0	-115.00
WMILFM	291B	Waukesha	WI	169.36	47.2	178.0	-8.64
WYYS	291A	Streator	IL	108.93	154.3	115.0	-6.07
AP291	291A	Sageville	IA	115.90	303.7	115.0	0.90
WMJB	290A	Evansville	WI	75.11	11.5	72.0	3.11
ALOPEH	291A	Sageville	IA	121.43	299.5	115.0	6.43



Call	CH#	Location		D-KM	Azi	FCC	Margin
WOXM. C	291A	Oregon	IL	51.34	276.2	72.0	-20.66
WEJMF	292A	Lansing	IL	116.26	114.4	115.0	1.26
WYLL	294B	Des Plaines	IL	70.34	78.8	69.0	1.34
KCQQ. A	293C1	Davenport	IA	139.12	252.8	133.0	6.12
WWQMFM	292A	Middleton	WI	127.36	334.7	115.0	12.36
WWQMFM	292A	Middleton	WI	127.39	334.7	115.0	12.39
KCQQ. C	293C1	Davenport	IA	147.52	249.8	133.0	14.52



Call	CH#	Location		D-KM	Azi	FCC	Margin
WOXM.C	291A	Oregon	IL	51.34	276.2	72.0	-20.66
WEJMF	292A	Lansing	IL	116.26	114.4	115.0	1.26
WYLL	294B	Des Plaines	IL	70.34	78.8	69.0	1.34
KCQQ.A	293C1	Davenport	IA	139.12	252.6	133.0	6.12
WWQMF	292A	Middleton	WI	127.36	334.7	115.0	12.36
WWQMF	292A	Middleton	WI	127.39	334.7	115.0	12.39
KCQQ.C	293C1	Davenport	IA	147.52	249.8	133.0	14.52

**PROPOSED PREDICTED SERVICE CONTOURS
NEW FM - OREGON, ILLINOIS
3.0 KW ERP 100 M HAAT**

EXHIBIT D

